

SENATE BILL No. 272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-3-4.

Synopsis: Interference with custody. Makes interference with custody a Class D felony (instead of a Class C misdemeanor) if the interference with custody lasts more than 180 continuous days.

Effective: July 1, 2009.

Head

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 272

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-3-4, AS AMENDED BY P.L.164-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 4. (a) A person who, with the intent to deprive
4 another person of child custody rights, knowingly or intentionally:
5 (1) removes another person who is less than eighteen (18) years
6 of age to a place outside Indiana when the removal violates a
7 child custody order of a court; or
8 (2) violates a child custody order of a court by failing to return a
9 person who is less than eighteen (18) years of age to Indiana;
10 commits interference with custody, a Class D felony. However, the
11 offense is a Class C felony if the other person is less than fourteen (14)
12 years of age and is not the person's child, and a Class B felony if the
13 offense is committed while armed with a deadly weapon or results in
14 serious bodily injury to another person.
15 (b) A person who with the intent to deprive another person of
16 custody or parenting time rights:
17 (1) knowingly or intentionally takes;



1 (2) knowingly or intentionally detains; or

2 (3) knowingly or intentionally conceals;

3 a person who is less than eighteen (18) years of age commits
4 interference with custody, a Class C misdemeanor. However, the
5 offense is a Class B misdemeanor if the taking, concealment, or
6 detention is in violation of a court order, **and the offense is a Class D**
7 **felony if the taking, concealment, or detention lasts for more than**
8 **one hundred eighty (180) continuous days.**

9 (c) With respect to a violation of this section, a court may consider
10 as a mitigating circumstance the accused person's return of the other
11 person in accordance with the child custody order or parenting time
12 order within seven (7) days after the removal.

13 (d) The offenses described in this section continue as long as the
14 child is concealed or detained or both.

15 (e) If a person is convicted of an offense under this section, a court
16 may impose against the defendant reasonable costs incurred by a parent
17 or guardian of the child because of the taking, detention, or
18 concealment of the child.

19 ~~(g)~~ **(f)** It is a defense to a prosecution under this section that the
20 accused person:

21 (1) was threatened; or

22 (2) reasonably believed the child was threatened;

23 which resulted in the child not being timely returned to the other parent
24 resulting in a violation of a child custody order.

25 **SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-42-3-4, as**
26 **amended by this act, applies only to crimes committed after June**
27 **30, 2009.**

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